**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.213 OF 2005**
**WITH**
**INCOME TAX APPEAL (L.) NO.156 OF 2005**

The Commissioner of Income Tax .
City - 7, Mumbai. ...Appellant
V/s.
Novartis India Ltd. ...Respondent

Mr.Avinash Kango i/b. Pankaj Kapoor for the Appellant.

None for the Respondent.

**CORAM : F.I. REBELLO &**
**J.P. DEVADHAR,JJ.**

**DATE : 27TH AUGUST, 2007.**

**P.C. :**

1. The tax incidence in this case is less than Rs.4 lakhs. In view of the circular issued by the C.B.D.T., the learned Counsel seeks leave to withdraw the Appeal alongwith the Motion. The question of law, if any, is left open for consideration in appropriate proceedings.

2. The Motion alongwith the Appeal stands dismissed as withdrawn. There shall be no order as to costs. Refund of Court fees as per rules. C.C. expedited.

**[J.P. DEVADHAR, J.]** **[F.I. REBELLO, J.]**